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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
FEB 15 2022  
SEAN F. McAVOY, CLERK  
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SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON PHELAN UPDYKE,

Defendant.

**1:22-CR-2016-SAB**

INDICTMENT

Vio.: 21 U.S.C. §§ 841(a)(1),  
(b)(1)(C), 846

Conspiracy to Distribute a  
Mixture or Substance  
Containing a Detectable  
Amount of Fentanyl  
(Count 1)

21 U.S.C. §§ 841(a)(1),  
(b)(1)(C),  
Distribution of a Mixture or  
Substance Containing a  
Detectable Amount of Fentanyl  
(Count 2)

21 U.S.C. § 853  
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

That beginning on a date unknown, but by June 2019, and continuing until  
December 2019, in the Eastern District of Washington and elsewhere, the  
Defendant AARON PHELAN UPDYKE, and other individuals, both known and

1 unknown to the Grand Jury, did knowingly and intentionally combine, conspire,  
2 confederate and agree together with each other to commit the following offense:  
3 distribution of a mixture or substance containing a detectable amount of N-  
4 phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a Fentanyl) a  
5 Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C),  
6 846.

7  
8 COUNT 2

9 That on or about December 7, 2019, in the Eastern District of Washington,  
10 the Defendant, AARON PHELAN UPDYKE, did knowingly and intentionally  
11 distribute a mixture or substance containing a detectable amount of N-phenyl-N-  
12 [1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a Fentanyl), a Schedule II  
13 controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C).

14 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

15 The allegations contained in this Indictment are hereby re-alleged and  
16 incorporated by reference for the purpose of alleging forfeitures pursuant to 21  
17 U.S.C. § 853.

18 Pursuant to 21 U.S.C. § 853, upon conviction of an offense(s) in violation of  
19 21 U.S.C. § 841 as set forth this Indictment, Defendant, AARON PHELAN  
20 UPDYKE shall forfeit to the United States of America, any property constituting,  
21 or derived from, any proceeds obtained, directly or indirectly, as the result of such  
22 offense(s) and any property used or intended to be used, in any manner or part, to  
23 commit or to facilitate the commission of the offense(s).

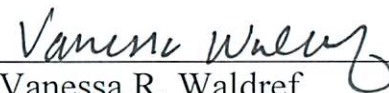
24 If any of the property described above, as a result of any act or omission of  
25 the Defendant(s):  
26

- 27 a. cannot be located upon the exercise of due diligence;  
28 b. has been transferred or sold to, or deposited with, a third party;  
c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

DATED this 15<sup>th</sup> day of February 2022.

  
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